

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JACQUARD MERRITT,)
)
Plaintiff,)
)
v.) CASE NO. 2:06-cv-1105-MEF
)
THE CITY OF MONTGOMERY, *et al.*)
)
Defendants.)

PLAINTIFF'S MOTION FOR CLARIFICATION
OF ORDER DATED JANUARY 5, 2007

Plaintiff, in accordance with instructions received from the assigned law clerk, respectfully moves that the Court review its Order dated January 5, 2007, and clarify the apparent ambiguity set forth therein, to the extent that such Order requires the Plaintiff to show cause why this Court HAS jurisdiction, when the Court knows that it is Plaintiff's contention that the Court DOES NOT HAVE such jurisdiction. In light of such knowledge by the Court, it would appear that the Court intended to either order the Plaintiff to show cause why it does not have jurisdiction OR to have ordered that the Removing Party show cause why it does have jurisdiction. As written the Order is inconsistent with the Court's statements made during the recent telephonic status conference. Upon calling this possible clerical error to the attention of the assigned law clerk, the partner of the undersigned was advised that rather than ask the Court to resolve the apparent ambiguity *sua sponte* or *ex mero motu*, that a written motion must be filed, despite the pendency of the Court's January 19 deadline; hence, the filing of this motion.

WHEREFORE, Plaintiff prays that the Court promptly clarify its order as requested above.

Respectfully submitted,

s/ Joe M. Reed
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Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that I have served counsel of record, Hon. Kimberly Owen Fehl, by means of the Court's electronic filing system. A copy will be served on Hon. John T. Harmon, Asst. U.S. Attorney, by conventional means.

s/ Joe M. Reed
JOE M. REED (ASB-7499-D59J)
Attorney for Plaintiff